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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,426	04/20/2004	Paul H. Markelz	980703.00002	5348
26710	7590	10/04/2005	EXAMINER	
QUARLES & BRADY LLP 411 E. WISCONSIN AVENUE SUITE 2040 MILWAUKEE, WI 53202-4497			LA, ANH V	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/828,426	Applicant(s) PAUL H. MARKELZ	
	Examiner Anh V. La	Art Unit 2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.                                                |

### DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Glier.

Regarding claim 1, Glier discloses a method for monitoring vehicle violations at a railroad crossing (column 30, lines 15-35), comprising a first video camera 16, 18, 22, 20, at the crossing, a processor 90, 56, 58, when a violation has occurred, presenting video of the violation occurring to a system operator via a display screen (abstract), and when the operator confirms that a violation has occurred via the interface, at least one of generating a citation and storing a video clip of the violation for subsequent use (figures 32, 33, col. 5, line 1- col. 6, line 55).

Regarding claim 2, Glier discloses determining when a vehicle passes through the crossing after the control equipment has indicated that traffic there through should cease (figures 32, 33, col. 5, line 1- col. 6, line 55).

Regarding claim 3, Glier discloses generating and storing.

Regarding claim 4, Glier discloses an input interface and a single selection button (abstract, fig. 32, 33).

Regarding claim 5, Glier discloses after video of a violation is commenced, monitoring the input interface of an indication that the operator is observing the video (abstract).

Regarding claim 6, Glier discloses recording the time and duration of the violation as well as the time at which an operator indicates that the operator start observing a video (abstract, fig. 32-33).

Regarding claim 7, Glier discloses printing on the citation the time of the violation commenced and the time at which the operator indicated that the operation commenced the violation via the display (fig. 32-33).

Regarding claim 8, Glier discloses print on the citation the duration of the violation (fig. 32-33).

Regarding claim 9, Glier discloses correlating the video with a unique tag number and storing the tag number and video in a database and printing the tag number on the citation (fig. 32-33).

Regarding claim 10, Glier discloses a computer network (fig. 2, 32, 33).

Regarding claim 11, it is old and well-known to provide a video camera at an operator's workstation to recording operator's activities and the images.

Regarding claim 12, Glier discloses indicating the identity of the confirming operator on the citation (fig. 32, 33).

Regarding claim 13, Glier discloses a video camera 16, 18, 20, 22, at each of the plurality of crossings.

Regarding claim 14, Glier discloses using license plate number and the database to identify the vehicle owner's network address and issuing a notice of violation to the owner via the address (fig. 32, 33).

Regarding claim 15, Glier discloses a link (fig. 32, 33).

Regarding claim 16, Glier discloses a method for monitoring vehicle violations at a location, comprising specifying a traffic violation (fig. 1), a video camera 16, 18, 22, 20, a processor 90, 56, 58, when a violation has occurred, presenting video of the violation occurring to a system operator (abstract, figures 32, 33, col. 5, line 1- col. 6, line 55).

Regarding claim 17, Glier discloses issuing a citation (abstract, figures 32, 33).

Regarding claim 18, Glier discloses replacing at least a subset of other information with the video (fig. 20, 32, 33).

Regarding claim 19, Glier discloses a video camera 16, 18, 20, 22, at a plurality of different locations (fig. 1-2).

Regarding claim 20, Glier discloses presenting essentially real time video of at least a subset of information (fig. 32, 33).

Regarding claim 21, Glier discloses a screen (fig. 32, 33).

Regarding claim 22, Glier discloses a primary screen (fig. 32, 33).

Regarding claim 23, Glier discloses an alarm (col. 30, lines 15-35).

Regarding claim 24, Glier discloses one of an audible alarm and a visual alarm (col. 30, lines 15-35).

Regarding claim 25, Glier discloses confirming via the video that a violation has occurred (abstract, figures 32, 33).

Regarding claim 26, Glier discloses a confirming input device (abstract, figures 32, 33).

Regarding claim 27, Glier discloses generating a citation consistent with the violation that occurred (abstract, figures 32, 33).

Regarding claim 28, Glier discloses the citation indicating that the operator witnessed the violation (abstract, figures 32, 33).

Regarding claim 29, Glier discloses storing a video clip for subsequent use (abstract, figures 32, 33).

Regarding claim 30, Glier discloses an illegal crossing (col. 30, lines 15-35).

Regarding claim 31, Glier discloses a processor 90 (fig. 2).

Regarding claim 32, Glier discloses sensing the status of other information and using the video information and the other information to determine if a violation has occurred (fig. 1-2, 32, 33).

Regarding claim 33, Glier discloses flashed crossing lights (col. 30, lines 15-35).

Regarding claim 34, Glier discloses a assembly for monitoring vehicle violations at a railroad crossing (column 30, lines 15-35), comprising a video camera 16, 18, 22, 20, at the crossing, a video display screen, an input interface (abstract), a processor 90, 56, 58, determining when a violation has occurred, presenting video of the violation occurring to a system operator via a display screen (abstract), and monitoring the input interface for an indication (abstract, figures 1, 2, 32, 33, col. 5, line 1- col. 6, line 55, col. 30, lines 15-35).

Regarding claim 35, Glier discloses storing a video clip in the database (abstract, figures 1, 2, 32, 33, col. 5, line 1- col. 6, line 55, col. 30, lines 15-35).

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Regarding claim 36, Glier discloses an image of the citation (abstract, figures 1, 2, 32, 33, col. 5, line 1- col. 6, line 55, col. 30, lines 15-35).

Regarding claim 37, Glier discloses a printer to print a citation (abstract, figures 1, 2, 32, 33, col. 5, line 1- col. 6, line 55, col. 30, lines 15-35).

Regarding claim 38, Glier discloses the identity of the operator (abstract, figures 1, 2, 32, 33, col. 5, line 1- col. 6, line 55, col. 30, lines 15-35).

Regarding claim 39, Glier discloses a printer to print a citation (abstract, figures 1, 2, 32, 33, col. 5, line 1- col. 6, line 55, col. 30, lines 15-35).

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Takatou, Daly, and Shinagawa teach traffic violation processing systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh V. La whose telephone number is (571) 272-2970. The examiner can normally be reached on Mon-Fri from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ANH V. LA**  
**PRIMARY EXAMINER**

Anh V La  
Primary Examiner  
Art Unit 2636

AI  
September 24, 2005